

## **REMARKS**

Upon entry of the present Amendment-B, the claims in the application are claims 1-20, of which claims 1, 3, and 4 are independent. Claim 1 has been amended by the present amendment, while new claims 13-20 are presented which define additional aspects of the light- illuminating devices of claims 1, 3 and 4.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment-B is submitted.

It is contended that by the present amendment, all bases of objections and rejections set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the objections and rejections is respectfully requested.

## **Amendments**

*In the Claims:* although applicant disagrees with, and traverses the rejections of record, applicant has substantively amended independent claim 1 in the present amendment, in the interests of expediting prosecution, to more particularly point out and distinctly claim the invention, and in order to more clearly differentiate from the disclosures of the cited references.

Claim 1 has been amended to specify and further define a line-illuminating device wherein the light sources are attached to the casing, and the casing is divided into portions by a division formed

therein which extends along a plane substantially transverse to a longitudinal axis of the casing.

New claims 13-15 depend from claim 1 and define that: the adjacent portions of the casing are movable relative to each other, a gap is defined between adjacent portions of the casing exposing a portion of the light guide, and the divided portions of the casing include overlapping ends which slide relative to each other in the longitudinal direction of the light guide. New claims 16-17 further define aspects of the elastic member of claim 3, and new claims 18-20 further define aspects of the direct attachment between an end surface of the light guide and at least one of the light sources.

*In the Specification:* paragraphs [026], [027] and [030] of the specification have been amended to provide an express antecedent basis for the amended language of the claims.

Applicant respectfully submits that the above amendments to the specification and claims, including new claims, are fully supported by the original disclosure, including Figs. 2 and 4-6. Applicant also respectfully submits that the above amendments, including new claims, do not introduce any new matter into the application, since they are expressly or inherently disclosed by the original disclosure, including the drawings.

**Specification:**

In the Office Action (page 2) the Examiner objected to the abstract as using incorrect language. The Examiner has taken the position that at line 2 of the abstract the word “comprised” should be corrected.

*Applicant's Response:*

Upon careful consideration applicant respectfully traverses such objection and respectfully submits the objection is overcome.

The applicant would like to respectfully direct the attention of the Examiner to Preliminary Amendment-A filed with the United States Patent and Trademark Office by the applicant on April 20, 2005. In the Preliminary Amendment-A, the applicant amended the specification at line 2 to replace "comprised" with "includes". In view of the Preliminary Amendment A, the applicant respectfully submits that no further amendment of the Abstract is required.

For the foregoing reason, applicant respectfully requests reconsideration and withdrawal of the Examiner's objection to the specification.

In addition, applicant has amended paragraphs [026], [027] and [030] of the specification herein to describe the structure of the embodiments shown in Figures 2, 4, 5 and 7 in more detail than previously provided. Specifically, applicant has added language to paragraph [026] stating that the casing 12 has a division formed therein which extends along a plane oriented substantially transverse to the longitudinal axis of the casing, as shown in the drawings, to form the two separate portions 12a, 12a, leaving the gap 14 therebetween to accommodate normal expansion and contraction of the casing and light guide; applicant has amended paragraph [027] to define that the divided portions of the casing include overlapping ends which slide relative to

each other in the longitudinal direction of the light guide and that in both embodiments shown in Figs. 4 and 5, an area is defined between the divided portions in which the divided portions may move relative to each other along the light guide; and applicant has added language to paragraph [030] stating that receiving holes H1, H2 and H3 are provided in the light emitting element and adapted to receive pins P1-P3, and the light-emitting element 13 is attached directly to the end surface of the light guide 11 by placing the light-emitting element onto the light guide with the pins P1-P3 fitted in the holes H1-H3, respectively, similar to the arrangement shown in Fig. 3 where the pins P1-P3 are formed on the end surface of the casing 12.

#### **Claim Rejections – 35 USC §102**

In the Office Action (Pages 2-4), the Examiner rejected claims 1-9, 11 and 12 under 35 USC §102(e) as being anticipated by Tabata (US 6,858,837).

Relative to the rejection of claims 1-8, the Examiner generally refers to the following portions of Tabata's disclosure: casing 9, a transparent light guide 8, a first and second light source 7, located at each end of the light guide (Figure 4) and the discussion at col. 4, lines 48-67 and at col. 3, lines 40-64, a line image sensor 1 located on an image sensor board or frame 2, and a rod lens array 5 located in the casing 9 (Figure 1). The Examiner's position regarding the rejection of claim 9 appears to be based on the Examiner's observation of Figure 4 of Tabata and the Examiner's assertion that the light source abuts against end surfaces of the light

guide without gaps. Finally, the Examiner's rejection of claims 11 and 12 appears to be based on the position taken by the Examiner that, in his view, Tabata discloses a line image sensor 1 located on an image sensor board or frame 2, and a rod lens array 5 located in the casing (Figure 1, col. 3, lines 40-64); and that the illuminating unit is for focusing reflective light from a document on the line image sensor.

*Applicant's Response:*

Initially, applicant notes an inconsistency between the Office Action Summary and the rejections set forth in the remainder of the Office Action, i.e., the Office Action Summary indicates that the Examiner rejects claims 1-11 as all claims in the application, but in the rejections presented by the Examiner on pages 2-4 of the Office Action, the Examiner rejects (only) claims 1-9, 11 and 12.

Further, upon careful consideration and in light of the above amendments, applicant respectfully traverses such rejection of claims, and respectfully submits that the rejection is overcome, and that each of claims 1-9, 11 and 12 is patentably distinct over the applied reference of Tabata because Tabata clearly does not teach, suggest or disclose each and every required feature of the claimed invention.

The Standard for Anticipation

In the case of *Motorola, Inc. v. Interdigital Technology Corp.*, 121 F. 3d 1461 (CAFC 1997), the Court of Appeals for the Federal Circuit stated:

**"For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art (citation omitted). 'The (prior art) reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it' (citations omitted). Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there."**

The above-quoted passage is consistent with many previous cases of the Federal Circuit and with MPEP 2131, which reiterate the rule that **in order to anticipate a claim, a reference must teach every element of the claim.**

Again, applicant respectfully submits that Tabata does not disclose each and every element of applicant's claimed invention. Further, applicant respectfully submits that the Examiner's recited rejection does not explain how/why components of Tabata's unit allegedly meet / anticipate all of applicant's claimed limitations.

For example, applicant respectfully points out that, contrary to the Examiner's assertion, Tabata's housing/ casing 9 is not divided into portions in the longitudinal direction as required by original claim 1. Applicant notes that the Examiner never clearly explains how/why he interprets Tabata's housing 9 to meet this language. Tabata never discusses or otherwise indicates that his casing is divided into portions in the longitudinal direction or any other direction. Of course, this distinction is significant because it directly pertains to and overcomes the problem of relative shrinking between the light guide and the casing as addressed and

overcome by the claimed invention. This distinction is further emphasized by the above amendment to claim 1 whereby it is now defined that the casing is divided into portions by a division formed therein which extends along a plane oriented substantially transverse to a longitudinal axis of the casing. Tabata does not disclose or suggest such a division between portions of his casing.

As another example, Tabata's unit does not include or in any way suggest "*an elastic member formed integrally with the housing and pressing at least one light source against an end surface of the light guide*" as required by claim 3. Again, the Examiner does not specifically identify any member of Tabata's unit meeting this limitation.

As still another example, neither of Tabata's light sources 7 is disclosed as being attached directly to an end surface of the light guide as required by claim 4. Rather, while Tabata generally indicates that "[t]he LEDs 7 are provided on both ends of the optical guide member 8", he specifically indicates at his col. 4, line 24 that his light sources 7 *are positioned and held by his housing 9*, while his drawings (e.g., Figs. 4 and 8) depict the light guide 8 spaced away from the light sources 7.

Again, in relation to the above deficiencies, applicant respectfully submits that Tabata does not address and overcome the problems addressed and overcome by the claimed invention, e.g., formation of gaps between the ends of the light guide and the light sources over time as the light guide shrinks due to differences in thermal expansion/contraction between the light guide

and the casing.

For all the foregoing reasons, applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection of claims 1-9, 11 and 12 under 35 USC §102(e).

#### Other Matters

The additional reference cited by the Examiner included with the Office Action – US Patents: 6,017,130 to Saito et al.; 6,479,812 to Tabata; 6,563,609 to Hattori; and 6,902,309 to Uemura et al. – have been considered by applicant. However, applicant respectfully submits that the claims, as presently amended, patentably distinguish over the teachings of each of these references, whether considered individually or in any reasonable combination thereof.

New claims 13-20 are believed to be allowable over the references of record for those reasons discussed in relation to claims 1, 3 and 4, and for the additional features recited in the new claims.

#### Conclusion

Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application.

Based on all of the foregoing, applicant respectfully submits that all of the objections and

rejections set forth in the Office Action are overcome, and that as presently amended, all of the pending claims are believed to be allowable over all of the references of record, whether considered singly or in any reasonable combination thereof. Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

The application is now believed to be in condition for allowance and a notice to this effect is earnestly solicited.

If the Examiner is not fully convinced of the allowability all of the claims now in the application, applicant respectfully requests that he telephonically contact applicant's undersigned representative to expeditiously resolve any issues remaining in the prosecution of the application.

Favorable reconsideration is respectfully requested.

Respectfully submitted,



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